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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,558	12/14/2001	William P. Price	K35A0819	3759

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EXAMINER

LAstra, DANIEL

ART UNIT	PAPER NUMBER
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3622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/022,558

Applicant(s)

PRICE ET AL.

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-51 have been examined. Application 10/022,558 (AUDIOVISUAL SYSTEM AND METHOD FOR DISPLAYING SEGMENTED ADVERTISEMENTS TAILORED TO THE CHARACTERISTIC VIEWING PREFERENCES OF A USER) has a filing date 12/14/2001.

Response to Amendment

2. In response to Non Final Rejection filed 10/04/2006, the Applicant filed an Amendment on 01/08/2007, which amended claims 1 and 38.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 and 26-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Klarfeld (US 2006/0212904).

Claim 1, Klarfeld teaches:

An audiovisual system for use with a display device for displaying an audiovisual advertisement to a user, the audiovisual system comprising:

a storage subsystem adapted to receive and store audiovisual advertising segments and to retrieve and transmit stored audiovisual advertising segments, each

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audiovisual advertising segment having metadata indicative of the audiovisual advertising segment (see paragraphs 232-233);

a preference determination module coupled to the storage subsystem, the preference determination module responsive to user input and to the metadata to generate one or more user profiles, each user profile indicative of characteristic viewing preferences of a corresponding user (see paragraphs 232-235), and

a system controller coupled to the storage subsystem, the system controller responsive to the metadata and to the user profile corresponding to the user to select and retrieve a plurality of stored audiovisual advertising segments from the storage subsystem and to dynamically assemble the retrieved plurality of stored audiovisual advertising segments to form a *multi-segment* audiovisual advertisement, *wherein each of the segments is directed to a common subject of the multi-segment advertisement* (see paragraph 241), whereby the plurality of stored audiovisual advertising segments is selected to tailor the *multi-segment* audiovisual advertisement to the characteristic viewing preferences of the user (see paragraphs 232-247). Klarfeld teaches that if the program being watched by a viewer contains information regarding the length of the commercial break, the preference agent may select stored ads of the same type (*i.e.* same viewer's demographic metadata) of appropriate length (*i.e.* advertising segments) to insert in the allotted time slot (see paragraph 241).

Claim 2, Klarfeld teaches:

The audiovisual system of Claim 1, wherein the metadata is indicative of a length of the audiovisual advertising segment (see paragraph 241).

Claim 3, Klarfeld teaches:

The audiovisual system of Claim 1, wherein the metadata is indicative of subject matter of the audiovisual advertising segment (see paragraphs 232-233).

Claim 4, Klarfeld teaches:

The audiovisual system of Claim 1, wherein the metadata comprises at least one presentation directive corresponding to the audiovisual advertising segment (see paragraph 241).

Claim 5, Klarfeld teaches:

The audiovisual system of Claim 4, wherein the presentation directive comprises at least one guideline regarding a sequence order of the dynamically assembled plurality of stored audiovisual advertising segments (see paragraphs 241-242).

Claim 6, Klarfeld teaches:

The audiovisual system of Claim 1, wherein the user profile comprises demographic information regarding the user (see paragraph 234).

Claim 7, Klarfeld teaches:

The audiovisual system of Claim 1, wherein the user profile comprises information regarding subject matter preferences of the user (see paragraph 75).

Claim 8, Klarfeld teaches:

The audiovisual system of Claim 1, wherein the user profile comprises information regarding genre preferences of the user (see paragraphs 120-122).

Claim 9, Klarfeld teaches:

The audiovisual system of Claim 1, wherein the user profile comprises information regarding performer preferences of the user (see paragraph 82).

Claim 10, Klarfeld teaches:

The audiovisual system of Claim 1, wherein the user profile comprises an interest parameter indicative of an estimated time interval during which the user is predicted to continue viewing the audiovisual advertisement (see paragraph 76).

Claim 11, Klarfeld teaches:

The audiovisual system of Claim 10, wherein the user input comprises a plurality of viewing decisions by the user and the interest parameter is generated by the preference determination module, the preference determination module utilizing a statistical analysis of the plurality of viewing decisions to generate the interest parameter (see paragraphs 76-77).

Claim 12, Klarfeld teaches:

The audiovisual system of Claim 11, wherein the preference determination module is further responsive to electronic program guide information to generate the interest parameter (see paragraph 238).

Claim 13, Klarfeld teaches:

The audiovisual system of Claim 11, wherein the preference determination module is further responsive to current time of day information to generate the interest parameter (see paragraph 91).

Claim 14, Klarfeld teaches:

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The audiovisual system of Claim 11, wherein the preference determination module is further responsive to current date information to generate the interest parameter (see paragraph 111).

Claim 15, Klarfeld teaches:

The audiovisual system of Claim 10, wherein the audiovisual advertisement comprises a first stored audiovisual advertising segment and a second stored audiovisual advertising segment, the first audiovisual advertising segment comprising a primary message to be displayed to the user during the estimated time interval, the second audiovisual advertising segment comprising a secondary message to be displayed to the user when the user continues viewing after the estimated time interval (see paragraph 244).

Claim 16, Klarfeld teaches:

The audiovisual system of Claim 15, wherein the primary message is self contained (see paragraph 244).

Claim 17, Klarfeld teaches:

The audiovisual system of Claim 16, wherein the primary message and the secondary message are related (see paragraph 244).

Claim 18, Klarfeld teaches:

The audiovisual system of Claim 17, wherein the secondary message is a continuation of the primary message (see paragraph 244).

Claim 19, Klarfeld teaches:

The audiovisual system of Claim 17, wherein the secondary message is self-contained (see paragraph 244).

Claim 20, Klarfeld teaches:

The audiovisual system of Claim 15, wherein the primary message comprises a beginning portion and a punch-line portion (see paragraph 244).

Claim 21, Klarfeld teaches:

The audiovisual system of Claim 15, wherein the secondary message comprises an inducement to the user to continue viewing the secondary message (see paragraph 247).

Claim 22, Klarfeld teaches:

The audiovisual system of Claim 21, wherein the inducement comprises a reward to the user for continuing to view the secondary message (see paragraph 247).

Claim 26, Klarfeld teaches:

The audiovisual system of Claim 21, wherein the audiovisual advertisement is viewed by the user in conjunction with viewing an audiovisual program and the inducement comprises information useful towards the user enjoying the audiovisual program (see paragraph 247).

Claim 27, Klarfeld teaches:

The audiovisual system of Claim 21, wherein the audiovisual advertisement is viewed by the user in conjunction with viewing an audiovisual program and the inducement comprises information useful towards the user understanding the audiovisual program (see paragraph 247).

Claim 28, Klarfeld teaches:

The audiovisual system of Claim 21, wherein the inducement comprises information useful towards the user participating in an interactive program (see paragraph 247).

Claim 29, Klarfeld teaches:

The audiovisual system of Claim 1, wherein the system controller is further responsive to the metadata corresponding to the audiovisual advertising segment and to the user input from a corresponding user to record a response of the corresponding user to the corresponding audiovisual advertising segment (see paragraphs 232-233).

Claim 30, Klarfeld teaches:

The audiovisual system of Claim 29, wherein the system controller is adapted to provide the recorded response to a revenue calculating module (see paragraphs 247, 252).

Claim 31, Klarfeld teaches:

The audiovisual system of Claim 30, wherein the system controller is further adapted to provide demographic information regarding the corresponding user to the revenue calculating module (See paragraph 247).

Claim 32, Klarfeld teaches:

The audiovisual system of Claim 1, wherein the system controller is further responsive to current time of day information to retrieve the plurality of stored audiovisual advertising segments (see paragraph 241).

Claim 33, Klarfeld teaches:

The audiovisual system of Claim 1, wherein the audiovisual advertisement is displayed to the user during an advertising interval of a program, the system controller being further responsive to subject matter of the program to retrieve the plurality of stored audiovisual advertising segments (see paragraphs 232-241).

Claim 34, Klarfeld teaches:

The audiovisual system of Claim 1, wherein the system controller is further responsive to a record of audiovisual advertisements previously viewed by the user, thereby avoiding repetition of identical audiovisual advertisements (see paragraph 241).

Claim 35, Klarfeld teaches:

The audiovisual system of Claim 1, wherein the system controller is further responsive to a record of a first advertising segment previously viewed by the user during a first advertising break interval to select a second advertising segment to be displayed to the user during a second advertising break interval (see paragraph 241).

Claim 36, Klarfeld teaches:

The audiovisual system of Claim 1, wherein the system controller is further responsive to a record of a first advertising segment previously viewed by the user during an advertising break interval of a first channel to select a second advertising segment to be displayed to the user during an advertising break interval of a second channel (see paragraph 241).

Claim 37, Klarfeld teaches:

The audiovisual system of Claim 1, wherein the retrieved plurality of stored audiovisual advertising segments comprises at least two stored audiovisual advertising segments with substantially equal time spans (see paragraph 244).

Claim 38, Klarfeld teaches:

A method of displaying an audiovisual advertisement to a user viewing a display device coupled to an audiovisual system comprising a storage subsystem, the user having characteristic viewing preferences, the method comprising:

storing audiovisual advertising segments on the storage subsystem, each audiovisual advertising segment having metadata indicative of the audiovisual advertising segment (see paragraphs 232-233);

selecting and retrieving a plurality of stored audiovisual advertising segments from the storage subsystem in response to the metadata and to the characteristic viewing preferences of the user (see paragraphs 232-233);

dynamically assembling the retrieved plurality of stored audiovisual advertising segments to form a *multi-segment* audiovisual advertisement, *wherein each of the segments is directed to a common subject of the multi-segment advertisement*, the audiovisual advertisement formed in response to the metadata and to the characteristic viewing preferences of the user, whereby the plurality of stored audiovisual advertising segments is selected to tailor the *multi-segment* audiovisual advertisement to the characteristic viewing preferences of the user; and

displaying the *multi-segment* audiovisual advertisement on the display device (see paragraphs 232-247).

Claim 39, Klarfeld teaches:

The method of Claim 38, wherein the metadata is received in conjunction with the audiovisual advertising segments (see paragraphs 232-233).

Claim 40, Klarfeld teaches:

The method of Claim 38, wherein storing the audiovisual advertising segments comprises storing the metadata on the storage subsystem (see paragraphs 232-233).

Claim 41, Klarfeld teaches:

The method of Claim 38, wherein selecting and retrieving a plurality of stored audiovisual advertising segments comprises:

identifying the user (see paragraphs 232-241);

providing the characteristic viewing preferences of the user, providing the metadata corresponding to the stored audiovisual advertising segments (see paragraphs 232-241);

determining which stored audiovisual advertising segments are compatible with the characteristic viewing preferences of the user (see paragraphs 232-241); and

retrieving compatible stored audiovisual advertising segments from the storage subsystem (see paragraphs 232-241).

Claim 42, Klarfeld teaches:

The method of Claim 41, wherein providing the metadata comprises retrieving the metadata from the storage subsystem (see paragraph 232-233).

Claim 43, Klarfeld teaches:

The method of Claim 41, wherein providing the metadata comprises analyzing the stored audiovisual advertising segments using a recognition module (see paragraphs 120-121).

Claim 44, Klarfeld teaches:

The method of Claim 41, wherein determining which stored audiovisual advertising segments are compatible comprises comparing the metadata for each stored audiovisual advertising segment to a user profile comprising the characteristic viewing preferences of the user (see paragraphs 232-241).

Claim 45, Klarfeld teaches:

The method of Claim 41, wherein determining which stored audiovisual advertising segments are compatible comprises responding to at least one presentation directive of the metadata to determine which stored audiovisual advertising segments are eligible for display (see paragraphs 232-241).

Claim 46, Klarfeld teaches:

The method of Claim 45, wherein retrieving compatible stored audiovisual advertising segments is performed prior to responding to the presentation directive to determine which stored audiovisual advertising segments are eligible for display (see paragraphs 232-241).

Claim 47, Klarfeld teaches:

The method of Claim 41, wherein retrieving compatible stored audiovisual advertising segments comprises retrieving only compatible stored audiovisual advertising segments which are scheduled for display (see paragraphs 232-241).

Claim 48, Klarfeld teaches:

The method of Claim 41, wherein retrieving compatible stored audiovisual advertising segments comprises retrieving default audiovisual advertising segments (see paragraphs 232-241).

Claim 49, Klarfeld teaches:

The method of Claim 38, wherein dynamically assembling the retrieved plurality of stored audiovisual advertising segments comprises:

determining which stored audiovisual advertising segments to schedule for display (see paragraph 241); and

dynamically assembling the scheduled audiovisual advertising segments to form the advertisement (see paragraphs 232-241).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klarfeld (US 2006/0212904).

Claims 23-25, Klarfeld fails to teach:

The audiovisual system of Claim 22, wherein the reward comprises points to be redeemed or a lottery or towards the user solving a puzzle or mystery. However, Official Notice is taken that it is old and well known in the promotion art to know that advertisers

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reward users with award points, lottery or treasure hunting clues for viewing said advertisers' ads. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Klarfeld financial incentive given to users for watching advertisements (see paragraph 247) would be award points, lottery tickets or clues as it is old and well known to do so.

5. Claims 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klarfeld (US 2006/0212904) in view of Ward (US 6,756,997).

Claim 50, Klarfeld teaches:

An audiovisual system for use with a display device for displaying an audiovisual advertisement to a user, the audiovisual system comprising:

a storage subsystem adapted to receive and store audiovisual advertising segments and to retrieve and transmit stored audiovisual advertising segments, each audiovisual advertising segment having metadata indicative of the audiovisual advertising segment (see paragraphs 232-233);

a preference determination module coupled to the storage subsystem, the preference determination module responsive to user input and to the metadata to generate one or more user profiles, each user profile indicative of characteristic viewing preferences of a corresponding user and stored on the storage subsystem, each user profile comprising a time span preference parameter indicative of a preferred advertisement time span of the corresponding user (see paragraphs 232-247); and

a system controller coupled to the storage subsystem, the system controller responsive to the metadata and to the user profile corresponding to the user to select

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and retrieve at least one stored audiovisual advertising segment from the storage subsystem (see paragraphs 232-247). Klarfeld does not expressly teach whereby the audiovisual advertisement has a time span, which conforms to the time span preference parameter of the user profile. However, Ward teaches an electronic programming guide that determines viewer characteristics relating to viewers' attention span, general interest in product advertisements, information about change of channels and the identification of any advertisement that was displayed on a channel at the time of said change in order to better target advertisements to said viewers (see Ward col 28, lines 15-45; col 30, lines 1-30; col 32, lines 10-25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Klarfeld would monitor the viewer selection of the various viewers and would determine the attention span of said viewers related to displayed ads, as taught by Ward in order to better target advertisements to said viewers.

Claim 51, Klarfeld teaches:

The audiovisual system of Claim 50, wherein the time span preference parameter is a fee-based option (see paragraph 247).

Response to Arguments

6. Applicant's arguments filed 01/08/2007 have been fully considered but they are not persuasive. The Applicant argues that Klarfeld does not teach "a system controller to dynamically assemble the retrieved plurality of stored audiovisual advertisement segments to form a multi-segment audiovisual advertisement, where each of the segments is directed to a common subject of the multi-segment advertisement". The

Applicant further argues that Klarfeld discloses assembling a sequence of discrete advertisements, each directed to a subject that bears no direct relationship to the subject matter of any of the other advertisements. The Examiner answers that Applicant's specification teaches in paragraph 62 "In certain such embodiment, a plurality of advertisement segments 32 are dynamically assembled to form a 30-second advertisement 30. The system controller 90 of certain such embodiments is responsive to the user profile 80 of the current user to select the advertising segment 32 so as to tailor the resultant 30-second advertisement 30 to the characteristic viewing preferences of the user. For example, when the 10-second A1 segment is the first advertising segment 162, the second advertising segment 164 can be selected to be one of the 20-second segments B8 or B9 based on the user profile 80". Klarfeld teaches that if the program being watched by a viewer contains information regarding the length of the commercial break, the preference agent may select stored ads of the same type (*i.e.* same viewer's demographic metadata) of appropriate length (*i.e.* advertising segments) to insert in the allotted time slot (see paragraph 241). Therefore, contrary to Applicant's argument, in Klarfeld advertisement segments are dynamically assembled to form an advertisement with the proper length of a commercial break.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

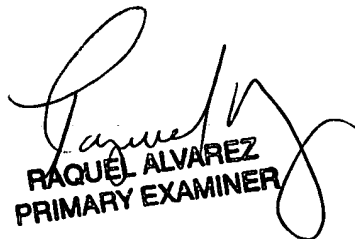
Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
March 24, 2007


RAQUEL ALVAREZ
PRIMARY EXAMINER